from the group consisting of soluble CD40, CD40 fusion protein and an anti-gp39 antibody or fragment thereof that binds gp39.

2 ~~19~~. The method of claim ~~18~~ 1 wherein said gp39 antagonist is an anti-gp39 antibody or fragment thereof that binds gp39.

3 ~~20~~. The method of claim ~~19~~ 2 wherein said antibody is a humanized antibody.

4 ~~21~~. The method of claim ~~19~~ 2 wherein said antibody is a chimeric antibody.

22. A method for treating thyroiditis comprising administering a therapeutically effective amount of a gp39 antagonist selected from the group consisting of an anti-gp39 antibody or fragment thereof that binds gp39, soluble CD40 and a CD40 fusion protein.

6 ~~23~~. The method of claim ~~22~~ 5 wherein said gp39 antagonist is an anti-gp39 antibody or fragment thereof that binds gp39.

7 ~~24~~. The method of claim ~~23~~ 6 wherein said antibody is a humanized antibody.

8 ~~25~~. The method of claim ~~23~~ 6 wherein said antibody is a chimerized antibody.

9 ~~26~~. The method of claim ~~22~~ 5 wherein said gp39 antagonist is soluble CD40 or CD40 fusion protein.

REMARKS

Entry of the foregoing amendments, reconsideration and reexamination of the subject application, as amended, pursuant to and consistent with 37 C.F.R. §1.112, and in light of the remarks which follow are respectfully requested.

By the present amendments, claims 1-2, 5-10 and 12 are cancelled in favor of new claims 13-26, Claims 13-17 find support in the definition of T cell autoimmune diseases, and examples 1-3 which describe inhibition of at least activated T cells using gp39 antagonists in an autoimmune disease. Claims 18-26 find support in original claim 2, 8-11 et seq.

Claims 1-2, 5-10 and 12 stand rejected under 35 U.S.C. §102(e) as being anticipated by Noelle (U.S. Patent 5,683,693). This rejection is respectfully traversed to the extent it may be applicable to the claims as amended.

Particularly, the rejection is traversed on the basis that the reference fails to suggest inhibition of T cell method tissue destruction using a gp39 antagonist. The inherency-based